

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>ADT LLC, and ADT US HOLDINGS, INC.,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
<b>v.</b>	§	<b>Civil Action No. 3:15-cv-02252-G</b>
	§	
<b>CAPITAL CONNECT, INC., POWER</b>	§	
<b>HOME TECHNOLOGIES, LLC, SECURITY</b>	§	
<b>INVESTMENTS LLC, ALLIANCE</b>	§	
<b>SECURITY INC., MAXIMUM SECURITY</b>	§	
<b>ALARM, INC., JOHN LEE, JOHN BACKUS,</b>	§	
<b>VICTOR VEGA, TREVOR MCALEES,</b>	§	
<b>and ANTHONY BONARDI</b>	§	
	§	
<b>Defendants.</b>	§	

**DEFENDANT POWER HOME TECHNOLOGIES, LLC’S  
ORIGINAL ANSWER AND DEFENSES TO PLAINTIFFS’ COMPLAINT**

Defendant Power Home Technologies, LLC (“Power Home” or “Defendant”) files its Original Answer and Defenses in response to the Complaint filed by Plaintiffs ADT LLC and ADT US Holdings, Inc. (collectively, “ADT” or “Plaintiffs”) and states:

**I. PARTIES**

1. Power Home does not have sufficient information to admit or deny the allegations contained in Paragraph 1 regarding ownership of the referenced marks or the relationship between the Plaintiffs and denies those allegations. Power Home admits the remainder of the allegations contained in Paragraph 1.

2. Power Home does not have sufficient information to admit or deny the allegations contained in Paragraph 2 regarding the relationship between the Plaintiffs and denies those allegations. Power Home admits the remainder of the allegations contained in Paragraph 2.

3. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 3 and therefore denies the allegations in Paragraph 3.

4. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 4 and therefore denies the allegations in Paragraph 4.

5. Power Home admits the allegations in Paragraph 5 of the Complaint.

6. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 6 and therefore denies the allegations in Paragraph 6.

7. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 7 and therefore denies the allegations in Paragraph 7.

8. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 8 and therefore denies the allegations in Paragraph 8.

9. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 9 and therefore denies the allegations in Paragraph 9.

10. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 10 and therefore denies the allegations in Paragraph 10.

11. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 11 and therefore denies the allegations in Paragraph 11.

12. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 12 and therefore denies the allegations in Paragraph 12.

13. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 13 regarding Bondini's residence or relationship with Capital Connect and therefore denies those allegations in Paragraph 13. The remainder of Paragraph 13 of the Complaint contains no factual allegations requiring admission or denial. To the extent a response is required, Power Home denies the allegations in Paragraph 13.

## **II. JURISDICTION AND VENUE**

14. Power Home admits that Plaintiffs allege claims arising out of the statutory provisions referenced in Paragraph 14 of the Complaint, but denies that Power Home has engaged in conduct that would give rise to an actionable claim under the referenced statutes.

15. Power Home admits the allegations in allegations contained in Paragraph 15.

16. Power Home admits it sells accounts to Monitronics. Power Home denies the remaining allegations in Paragraph 16

17. Power Home denies the allegations contained in Paragraph 17.

## **III. FACTS COMMON TO ALL COUNTS**

18. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 18 and therefore denies the allegations in Paragraph 18.

19. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 19 and therefore denies the allegations in Paragraph 19.

20. Power Home admits it sells customer contracts to Monitronics. Power Home lacks knowledge or information sufficient to admit or deny the allegations as they relate to other Defendants. Power Home denies the remaining allegations in Paragraph 20.

21. Power Home admits it sells customer contracts to Monitronics. Power Home lacks knowledge or information sufficient to admit or deny the allegations as they relate to other Defendants. Power Home denies the remaining allegations in Paragraph 21.

22. Power Home admits the allegations contained in Paragraph 22.

23. Power Home lacks knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 23 and therefore denies those allegations in Paragraph 23.

24. Paragraph 24 of the Complaint states legal conclusions requiring no admission or denial. To the extent a response is required, Power Home denies the allegations in Paragraph 24. Power Home lacks knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 24 and therefore denies those allegations in Paragraph 24.

25. Power Home admits the allegations contained in Paragraph 25.

26. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 26 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 26.

27. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 27 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 27.

28. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 28 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 28.

29. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 29 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 29.

30. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 30 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 30.

31. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 31 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 31.

32. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 32 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 32.

33. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 33 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 33.

34. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 34 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 34.

35. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 35 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 35.

36. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 36 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 36.

37. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 37 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 37.

38. Paragraph 38 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

39. Paragraph 39 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

40. Paragraph 40 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

41. Paragraph 41 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

42. Paragraph 42 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

43. Paragraph 43 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

44. Paragraph 44 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

45. Paragraph 45 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

46. Paragraph 46 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

47. Paragraph 47 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

48. Paragraph 48 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

49. Paragraph 49 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

50. Paragraph 50 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

51. Paragraph 51 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

52. Paragraph 52 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

53. Paragraph 53 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

54. Paragraph 54 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

55. Paragraph 55 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

56. Paragraph 56 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

57. Paragraph 57 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

58. Paragraph 58 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

59. Paragraph 59 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

60. Paragraph 60 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

61. Paragraph 61 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

62. Paragraph 62 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

63. Paragraph 63 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

64. Paragraph 64 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

65. Paragraph 65 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

66. Paragraph 66 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

67. Paragraph 67 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

68. Paragraph 68 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

69. Paragraph 69 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.



70. Paragraph 70 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

71. Paragraph 71 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

72. Paragraph 72 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

73. Paragraph 73 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

74. Paragraph 74 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

75. Paragraph 75 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

76. Paragraph 76 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

77. Paragraph 77 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

78. Paragraph 78 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

79. Paragraph 79 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

80. Paragraph 80 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

81. Paragraph 81 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

82. Paragraph 82 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

83. Paragraph 83 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

84. Paragraph 84 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

85. Paragraph 85 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

86. Power Home denies the allegations of Paragraph 86 wherein Plaintiffs attempts to correct the actions of Poser Home with other Defendants. Power home admits the remaining allegations contained in Paragraph 86.

87. Power Home denies the allegations contained in Paragraph 87.

88. Power Home denies the allegations contained in Paragraph 88.

89. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 89 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 89.

90. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 90 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 90.

91. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 91 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 91.

92. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 92 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 92.

93. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 93 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 93.

94. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 94 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 94.

95. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 95 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 95.

96. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 96 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 96.

97. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 97 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 97.

98. Power Home denies the allegations contained in Paragraph 98.

99. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 99 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 99.

100. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 100 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 100.

101. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 101 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies the allegations in Paragraph 101.

102. Power Home denies the allegations contained in Paragraph 102.

103. Power Home denies the allegations contained in Paragraph 103.

104. Power Home denies the allegations contained in Paragraph 104.

105. Paragraph 105 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

106. Paragraph 106 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

107. Paragraph 107 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

108. Paragraph 108 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

109. Paragraph 109 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

110. Paragraph 110 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

111. Paragraph 111 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

112. Paragraph 112 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

113. Paragraph 113 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

114. Paragraph 114 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

115. Paragraph 115 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

116. Paragraph 116 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

117. Paragraph 117 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

118. Paragraph 118 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

119. Paragraph 119 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

120. Paragraph 120 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

121. Paragraph 121 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

122. Paragraph 122 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

123. Paragraph 123 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

124. Paragraph 124 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

125. Paragraph 125 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

126. Paragraph 126 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

127. Paragraph 127 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

128. Paragraph 128 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

129. Paragraph 129 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

130. Paragraph 130 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

131. Paragraph 131 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

132. Paragraph 132 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

133. Paragraph 133 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

134. Paragraph 134 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

135. Paragraph 135 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

136. Paragraph 136 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

137. Paragraph 137 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

138. Paragraph 138 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

139. Paragraph 139 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

140. Paragraph 140 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

141. Paragraph 141 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

142. Paragraph 142 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

143. Paragraph 143 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

144. Paragraph 144 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

145. Paragraph 145 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

146. Paragraph 146 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

147. Paragraph 147 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

148. Paragraph 148 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

149. Paragraph 149 of the Complaint contains no factual allegations regarding Power Home requiring an admission or denial.

150. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 150 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 150.

151. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 151 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 151.

152. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 152 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 152.



153. Power Home incorporates all the foregoing paragraphs as if fully set forth herein.

154. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 154 and therefore denies those allegations.

155. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 155 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 155.

156. Power Home admits its sales agents do not represent ADT. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 156 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 156.

157. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 157 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 157.

158. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 158 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 158.

159. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 159 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 159.

160. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 160 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 160.

161. Power Home denies the allegations in Paragraph 161.

Response to unnumbered prayer: No admission or denial is required in response to Plaintiff's prayer set forth on pages 36-38 of the Complaint. To the extent a response is necessary, Power Home denies that any violation of law has occurred and that Power Home is entitled to any of the relief requested in Power Home's Prayer.

162. Power Home incorporates all the foregoing paragraphs as if fully set forth herein.

163. Power Home admits the allegations contained in Paragraph 163.

164. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 164 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 164.

165. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 165 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 165.

166. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 166 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 166.

167. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 167 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 167.

168. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 168 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 168.

169. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 169 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 169.

170. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 170 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 170.

171. Power Home lacks knowledge or information sufficient to admit or deny the allegations in Paragraph 171 regarding the actions of other Defendants. As the allegations relate to Power Home, Power Home denies allegations in Paragraph 171.

Response to unnumbered prayer: No admission or denial is required in response to Plaintiff's prayer set forth on pages 39-41 of the Complaint. To the extent a response is necessary, Power Home denies that any violation of law has occurred and that Power Home is entitled to any of the relief requested in Power Home's Prayer.

### **AFFIRMATIVE DEFENSES**

Power Home's defenses (pleaded in the alternative) are as follows:

1. Power Home affirmatively asserts that to the extent any allegation contained in Plaintiffs' Complaint is not expressly admitted, it is denied.
2. Plaintiffs have failed to state a claim for which relief can be granted.
3. Plaintiffs' claims are barred, in whole or in part, to the extent Plaintiffs have failed to exhaust his administrative remedies.
4. Plaintiffs have failed to meet all conditions precedent to some or all of their claims.

5. Plaintiffs have failed to give proper and timely notice under the Texas Deceptive Trade Practices Act.

6. This Court lacks jurisdiction to hear those claims for which Plaintiffs has failed timely to satisfy the jurisdictional prerequisites or procedural requirements of the applicable statute.

7. Plaintiffs' own acts or omissions caused or contributed to their alleged damages. Any alleged damages to Plaintiffs not caused by their own acts or omissions is the result of intervening events or the conduct of third parties.

8. Plaintiffs' claim for relief is barred, in whole or in part, to the extent Plaintiffs have failed to mitigate their damages, if any.

9. Plaintiffs' claims are barred in whole or in part by breach of contract.

10. Plaintiffs' claims are barred, in whole or in part, by the doctrine(s) of waiver, estoppel and/or unclean hands.

11. To the extent applicable, after-acquired evidence bars and/or limits the amount of damages Plaintiffs can recover on any claim.

12. To the extent any individuals took actions in violation of any law, which Power Home denies, Power Home did not direct, authorize or ratify any such actions, and such actions were outside the scope of the individuals' employment.

13. Plaintiffs' claims are subject to the doctrine of election of remedies.

16. Power Home reserves the right to assert any other defenses upon completion of discovery.

### **JURY DEMAND**

Defendant demands a trial by jury.

**PRAYER FOR RELIEF**

Power Home respectfully requests that a take nothing judgment be entered in favor of Power Home, that Plaintiffs' claims and causes of action be dismissed with prejudice, and that Power Home be granted such further and other relief, including attorneys' fees and costs where applicable, to which he may show itself justly entitled.

Respectfully submitted,

/s/ Lorin M. Subar

**LORIN M. SUBAR**

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***ATTORNEYS FOR DEFENDANT POWER  
HOME TECHNOLOGIES, LLC***

**CERTIFICATE OF SERVICE**

I certify that on August 27, 2015, I electronically submitted the foregoing document with the clerk of court for the U.S.D.C. Northern District of Texas, using the electronic case filing system of the court. I hereby certify I have served all counsel of record electronically.

/s/ Lorin M. Subar

**Lorin M. Subar**